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**COUNSEL FOR ERIK WHITE, TRUSTEE
OF THE LIQUIDATING TRUST**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Chapter 11
	§	
UNIVERSAL REHEARSAL PARTNERS, LTD.,	§	Case No. 22-31966
	§	
Debtor.	§	

NOTICE OF ASSIGNMENT OF DERIVATIVE STANDING

PLEASE TAKE NOTICE OF THE FOLLOWING:

Erik White, in his capacity as trustee (the "**Trustee**") of the Universal Rehearsal Partners Liquidating Trust (the "**Liquidating Trust**"), successor to Universal Rehearsal Partners, Ltd. (the "**Debtor**") in the above-captioned chapter 11 bankruptcy case, files this *Notice of Assignment of Derivative Standing* (the "**Notice**") and, in support hereof, respectfully states as follows:

1. On October 21, 2022 (the "**Petition Date**"), the Debtor filed its voluntary petition for relief in this Court under Chapter 11 of Title 11 of the United States Code (the "**Bankruptcy Code**") in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the "**Court**").

2. On February 24, 2023, the Debtor filed its *Chapter 11 Plan of Liquidation* [Dkt. #90] (the "**Plan**"). On April 5, 2023, the Court entered an order confirming the Plan [Dkt. #118] (the "**Confirmation Order**") and approving the Liquidating Trust Agreement attached thereto as Exhibit B (the "**Trust Agreement**"), among other things.

3. The Plan became effective on April 10, 2023 (the "**Effective Date**"). *See* Dkt. #121.

4. The Liquidating Trust was formed as of the Effective Date, pursuant to the Plan and the Confirmation Order, and is governed by the provisions of the Plan and the Trust Agreement dated April 10, 2023, between the Debtor and the Trustee.

5. On January 19, 2023, the Debtor filed its Notice of Removal removing the case styled *Universal Rehearsal Partners LTD v. Barnhill*, Cause No. DC-22-00172 (the "**URP State Court Case**") to this Court. The Adversary Proceeding Number coinciding with the URP State Court Case is 23-03011 (the "**URP Adversary Proceeding**"). On January 19, 2023, John Kirtland ("**Kirtland**") also filed his Notice of Removal of *John Kirtland v. Vince Edward Barnhill*, Cause No. DC-21-16507 (the "**Partnership State Court Case**") thereby removing the Partnership State Court Case to this Court. The Adversary Proceeding Number coinciding with that removed case is 23-03012 (the "**Partnership Adversary Proceeding**") together, with the URP Adversary Proceeding, the "**Adversary Proceedings**").

6. On February 28, 2023, the Court entered its *Order Consolidating Adversary Proceedings Pursuant to Rule of Bankruptcy Procedure 7042* consolidated the two Adversary Proceedings and ordering that all pleadings be filed in the Universal Rehearsal Adversary Proceeding. *See* URP Adv. Dkt. No. 7.

7. The Trust Agreement provides that the Trustee has the authority to assign derivative standing to pursue any estate Causes of Action. Trust Agreement, § 4.1; *See* Plan, §6.06.

8. By this Notice, the Trustee hereby assigns derivative standing to Kirtland so that Kirtland may pursue all claims and causes of action that the Trust may have against Vincent Barnhill

("Barnhill", and such claims, the "**Barnhill Claims**"), except for any claims and causes of action under Chapter 5 of the Bankruptcy Code ("**Avoidance Actions**") By this Notice, the Trustee also hereby assigns derivative standing to Barnhill so that Barnhill may pursue all claims and causes of action that the Trust may have against Kirtland (the "**Kirtland Claims**"), except for any Avoidance Actions. For an abundance of clarity, the Trustee retains the exclusive right to assert Avoidance Actions.

9. For the avoidance of doubt, the Trustee's grant of derivative standing is limited to claims and causes of action asserted by Kirtland against Barnhill and Barnhill against Kirtland that will affect the administration of their respective claims and interest against and in the Trust. Accordingly, resolution of such of the Barnhill and Kirtland Claims shall assist with the administration of all remaining claims against the Trust.

10. While this Notice assigns derivative standing to the Barnhill and Kirtland to pursue claims and causes of action against each other, it does **not** assign any Avoidance Actions or any Trust claims against other third parties. To the extent of any conflicts between the information contained in this Notice and the terms of the Trust Agreement, the Trust Agreement shall control.

DATED: September 6, 2023

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ John J. Kane

John J. Kane

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**COUNSEL FOR ERIK WHITE, TRUSTEE OF
THE LIQUIDATING TRUST**

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2023, a true and correct of the foregoing Notice was filed with the Court and served (i) via the Court's electronic case filing system (ECF) upon all parties receiving such service in this bankruptcy case, and (ii) via regular U.S. mail, postage prepaid, upon all parties set forth on the service list attached hereto.

/s/ John J. Kane

John J. Kane